

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Khiallah Solomon,

Plaintiff,

v.

3:23-cv-05762-CMC

Brookfield Properties Retail, Inc. and Andy
Frain Services Inc.,

Defendants.

**COMPLAINT
(Jury Trial Demanded)**

Now comes Plaintiff, Khiallah Solomon, by and through undersigned counsel, and show unto this Court as follows:

INTRODUCTION

1. On April 16, 2022, two groups of unsupervised juveniles strolled through the Columbiana Centre Mall uninhibited by mall or security personnel.

2. One group made its way toward the food court and there they began causing a disturbance.

3. Neither mall security nor the police department were contacted despite the group being known to the mall as regular troublemakers.

4. A verbal altercation took place between juveniles in the food court of Columbiana Centre Mall. Once again, they were left unchecked by mall and security personnel.

5. The altercation escalated when both groups pulled guns out of their clothing and began shooting at each other.

6. Plaintiff was shopping with two friends near the Gap Factory department store when she heard gunshots.

7. Plaintiff sought safety behind an “Employees Only” door.

8. Plaintiff, an innocent victim, was struck by a bullet in her left ankle.

9. At all times relevant, Defendants Brookfield Properties Retail, Inc., and Andy Frain Services, Inc., owed Plaintiff a duty of care to keep the premises of Columbiana Centre Mall safe and secure.

10. Plaintiff’s injuries are the direct and proximate result of Defendants’ breaches of the duties owed to her.

PARTIES AND JURISDICTION

11. Plaintiff Khiallah Solomon is a resident of Richland County, South Carolina.

12. Defendant Brookfield Properties Retail, Inc. (“Brookfield”), is a Delaware corporation and global real estate services company that, as part of its business, owns and operates retail shopping malls across the world, including the Columbiana Centre Mall. Defendant Brookfield makes operational decisions at Columbiana Centre, including, but not limited to, decisions regarding security services and mechanisms.

13. Defendant Brookfield is authorized to do business in South Carolina and can be served with process via its registered agent Corporation Service Company at 508 Meeting Street, West Columbia, South Carolina 29169.

14. As owner of Columbiana Centre, Defendant Brookfield invites large numbers of people into its facility. As a result, Defendant Brookfield has a responsibility to be aware of past criminal activity near and on their premises and the need to deter criminal activity that would affect their patrons and invitees.

15. Defendant Brookfield had a non-delegable duty to maintain Columbiana Centre Mall in a safe, secure, and reasonable manner, which they failed to do. This failure resulted in severe damages to Plaintiff.

16. Andy Frain Services, Inc. (“AFS”), is an Illinois corporation authorized to do business in South Carolina. It can be served with process via its registered agent C T Corporation System at 2 Office Park Court, Suite 103, Columbia, South Carolina 29223.

17. Upon information and belief, Defendant AFS, provided security services at the Columbiana Centre Mall at all relevant times contained hereto. As such, they have a responsibility to be aware of past criminal activity near and on the premises and the need to deter criminal activity that would affect the patrons and invitees.

18. Upon information and belief, Defendant Brookfield had agents, representatives, and employees, whose acts and omissions complained of in this Complaint, were performed during the course and scope of such employment and/or agency. Their actions and inactions are imputed to Defendant Brookfield under the doctrine of *respondeat superior*.

19. At all times relevant, upon information and belief, Defendant Brookfield contracted with Defendant AFS to provide security services to Defendant Brookfield and its customers at Columbiana Centre Mall located at 100 Columbiana Circle in Richland and Lexington Counties, in the State of South Carolina. This contract and agreement created an agency relationship between Defendant Brookfield and Defendant AFS, and all actions and inactions of Defendant AFS and its agents and/or employees are imputed to Defendant Brookfield through agency and/or apparent authority.

20. The negligent acts, omissions and liability of all Defendants also refer to and include each Defendants’ agents, principals, employees and/or servants, both directly and

vicariously, pursuant to principles of corporate liability, apparent authority, agency, ostensible agency and/or *respondeat superior*.

21. That all the above-named Defendants are jointly and severally liable as to all damages alleged herein since their negligent, reckless, and wanton acts and omissions, singularly or in combination, were a direct and proximate cause of the Plaintiff's damages and injuries.

22. The amount in controversy in this matter exceeds \$75,000.00, thereby satisfying the jurisdictional requirement contained in 28 U.S.C. § 1332(a).

BACKGROUND INFORMATION

23. Defendant Brookfield has at all times relevant hereto owned and operated Columbiana Centre Mall located at 100 Columbiana Circle, Columbia, South Carolina 29212, which is a retail shopping mall offering a variety of retail stores, restaurants, and other services to the public.

24. Defendant Brookfield regularly advertises and solicits the general public to come enjoy shopping and/or dining experiences at the Columbiana Centre mall which provides a wide array of shopping and dining options. Defendant Brookfield affirmatively promotes its facility as a safe and secure environment.

25. To provide security at the Columbiana Centre Mall, Defendant Brookfield retained the services of Defendant AFS as its security company on or about the premises of the Columbiana Centre Mall. Defendant AFS promotes and advertises its services to provide a safe and secure environment for the patrons of the Columbiana Centre Mall.

26. Upon information and belief, Defendants have taken reasonable security measures at other similar facilities including increased signage, gun sniffing dogs, and other processes to control crime. Defendants failed to utilize such measures at Columbiana Centre Mall.

27. Defendants refused to take appropriate measures to provide for the safety of its patrons, when they knew or should have known, that a dangerous environment existed.

28. On the afternoon of April 16, 2022, Plaintiff went shopping at the Columbiana Centre Mall. Columbiana Centre Mall hosted an Easter celebration which included the presence of an Easter Bunny, which brought a greater number of patrons to the mall on this day. This event was promoted as a safe and family friendly event.

A. Prior Incidents

29. Prior to April 16, 2022, Defendants had actual or constructive knowledge of criminal activity generally at Columbiana Centre Mall, and more specifically, of armed patrons, and of delinquent activity arising from a longstanding problem with unsupervised juveniles at Columbiana Centre Mall.

30. Indeed, on or around February 20, 2016, two young adults pulled their guns and fired shots in Columbiana Centre Mall.

31. On March 31, 2016, a fight broke out when a group of ten juveniles attacked two patrons.

32. On August 29, 2016, a man robbed a jewelry store in the mall armed with a knife.

33. On November 11, 2017, store clerks in Belk recognized three individuals shoplifting who had shoplifted on multiple occasions. At least one individual was armed and threatened the store clerks with his gun.

34. On March 3, 2018, a fight broke out in the food court of Columbiana Centre Mall between juveniles.

35. On March 8, 2018, law enforcement responded to a stabbing at Columbiana Centre Mall.

36. On June 19, 2021, law enforcement responded to the attempted murder of a woman in her car in the Columbiana Mall parking lot and found a woman bleeding on the asphalt.

37. In addition to the rampant criminal and delinquent activity described above, the Defendants also had actual or constructive knowledge that the following criminal activity, among others not specifically identified herein, had occurred at the Columbiana Centre Mall.

Date	Crime
08/01/2017	Fighting
08/06/2017	Person w/ Gun
08/17/2017	Fight In Progress
08/21/2017	Assault
09/12/2017	Fight In Progress
12/08/2017	Vandalism Report
12/20/2017	Fight In Progress
12/26/2017	Fight In Progress
01/13/2018	Vandalism Report
02/12/2018	Fight w/ Weapon
03/01/2018	Assault
04/13/2018	Shots Fired in area
05/16/2018	Assault
05/26/2018	Vandalism
06/09/2018	Kidnapping
08/04/2018	Fight In Progress
08/25/2018	Vehicle Chase
09/07/2018	Fight In Progress
09/09/2018	Civil Disturbance weapon
10/01/2018	Civil Disturbance weapon
10/03/2018	Vandalism Report
10/13/2018	Person w/ Gun
11/09/2018	Fight Just Occurred
11/23/2018	Fight In Progress
12/21/2018	Fight Report
12/22/2018	Fight In Progress
01/15/2019	Fight In Progress
02/06/2019	Assault Report
02/13/2019	Fight In Progress
03/10/2019	Vandalism
03/12/2019	Shots Fired in area
04/29/2019	Fight In Progress
04/29/2019	Laceration
04/29/2019	Laceration

06/29/2019	Vandalism Report
07/25/2019	Larceny
08/03/2019	Civil Disturbance weapon
11/18/2019	Fight In Progress
11/27/2019	Assault Report
11/28/2019	Fight In Progress
12/03/2019	Person w/ Gun
12/06/2019	Fight In Progress
12/20/2019	Foot Chase
12/28/2019	Civil Disturbance weapon
12/28/2019	Civil Disturbance with Weapon
12/31/2019	Fight In Progress
01/31/2020	Assault Report
02/16/2020	Assault Report
03/08/2020	Stabbing (CFD)
03/08/2020	Assault w/Weapon
05/11/2020	Civil Disturbance weapon
05/28/2020	Fight Just Occurred
05/29/2020	Person w/ Gun
07/11/2020	Fight In Progress
07/11/2020	Fight In Progress
08/29/2020	Fight Just Occurred
10/02/2020	Strong Arm Robbery
10/30/2020	Vandalism Report
11/12/2020	Vandalism Report
12/18/2020	Vandalism Report
12/21/2020	Vandalism Report
12/28/2020	Vandalism Report
12/30/2020	Assault just Occurred
03/06/2021	Domestic w/ Weapon
04/20/2021	Fight In Progress
05/01/2021	Assault In Progress
05/29/2021	Civil Disturbance weapon
06/02/2021	Person w/ Gun
07/10/2021	Fight w/ Weapon
07/24/2021	Fight Just Occurred
08/18/2021	Fight In Progress
12/03/2021	Person w/ Gun
12/10/2021	Civil Disturbance weapon
12/21/2021	Fight Just Occurred
01/21/2022	Shooting Hit
01/21/2022	Gunshot Wound (CFD)
01/22/2022	Person w/ Gun
01/29/2022	Person w/ Gun
04/16/2022	Active Shooter – Gunshot Wound

38. Including and in addition to the above, the City of Columbia police department has over one hundred incident reports regarding violent crimes occurring at the Columbiana Centre Mall over the last five years.

39. Despite repeated, ongoing, and consistent violent incidents, Defendants have not adequately addressed the longstanding crime and safety issues.

40. Defendants allow unsupervised juveniles to loiter in the mall, including repeat offenders of crimes committed at Columbiana Centre Mall.

41. Employees of the mall, prior to the April 16, 2022, shooting, have repeatedly seen violent incidents, including firearm possession and brandishing.

42. In light of these ongoing issues, changes in security and safety by Defendants, if any, have been grossly inadequate.

B. Customer Reviews

43. The above mounting incidents were not lost on Defendants. Defendants' own customer reviews warn:

- a. **3 years ago**: "This place needs better security. My husband's vehicle got broken into [sic] in the d&b parking lot. Praise god he didn't want up on them when they were spilling his drink and stealing some change. This mall isn't safe anymore. If I didn't CC I would never go back. Put your kids on a leash too because my girlfriend said a stranger tried to snatch up her 3 year old. The security and cops are a joke at this place."
- b. **6 years ago**: "Lots of people just hanging out and not shopping. The mall security is good for a laugh. Poorly managed. Over priced crappy stores. Malls are dying for a reason. Avoid this place. You are better off flushing your money down the commode."

- c. **4 years ago**: “This place is terrible. There is a variety of shops, but Dave and Buster’s has really made this place go downhill. Also mall is not safe, due to increase in predators.”
- d. **4 years ago**: “Someone stolen my bag and took al money..and security’s person not support us [] [] after many requests thy didn’t do anything.”
- e. **4 years ago**: “This area has really gone down hill. Didn’t feel safe in the parking lot at all or leaving my car there.”
- f. **2 years ago**: “A bunch of teenagers everywhere. And no social distancing. Too large of a crowd considering covid 19”
- g. **4 years ago**: “They have an only criminals can carry guns policy”
- h. **1 year and 10 months ago**: “The mall security is a joke”
- i. **3 years ago**: “Haven’t went back since I heard a gunshot in the food court []”
- j. **5 years ago**: “Security is terrible don’t ask for help you probably won’t get it!”
- k. **5 years ago**: “To many young ‘thugs’ just hanging out.”
- l. **4 years ago**: “# dark not safe!! Parking lot no lights!!!!”
- m. **6 years ago**: “Bad place”
- n. **1 year and 5 month ago**: “Used to love the mall, sad its going downhill.”
- o. **1 year and 9 months ago**: “Getting way to crowded, young and hood for my taste. I’d rather just shop Amazon or buy direct.”
- p. **5 years ago**: “We got there and there was over 15 policemen around the food court. Heard they had three different fights in the last two hours of being there. This mall is becoming more and more dangerous. I read the news report of the hold up with a gun at the Victoria’s Secret Last week. And its crazy”
- q. **3 years ago**: “Used to be a nice mall, but does not attract the best crowd these days. Once you start having multiple shooting scares, I’m out.”

- r. **6 years ago**: “I’d give more stars if security was worth anything but they are not. I had my shopping bag lifted unknowingly when I set it down for a moment. Security was a joke, he was an elderly man, he basically said there is nothing I can do, we don’t have any cameras. I’m thinking wait a minute in this day and age your telling me there are no cameras, he said yes that’s what I’m telling you. Sorry it happened but nothing I can do. Incident happened after 260 purchase at Sephora inside JcPenny’s. I was so ticked off and could have lost my cool if it wasn’t for my daughter being there. This mall not store made any effort to get back to me. It was in fact a store across the US that sent me a gift card. Thank you JcPenny in Chino, California, it was done by that manager just because she wanted to take some of the sting away. Columbiana mall needs security, cameras, and customer service training.”
- s. **2 years ago**: “The once vibrant mall is waning. I don’t feel safe in that area anymore.”
- t. **5 years ago**: “It was a great place to shop, but watch your back these days.”
- u. **3 years ago**: “Starting to get ghetto/trashy. Not safe to be at when it gets dark.”
- v. **4 years ago**: “Pure chaos”
- w. **May 31, 2017**: Women, be careful when using the restroom. I went to the women’s restroom and a man was coming out of a stall. He claimed that he just really needed to use the restroom. The men’s restroom was not closed, nor was there a line. He walked creepily past me and went toward the men’s restroom. I walked straight out. I know was in there looking at the women that were using the toilet. Sad thing is that there are no security cameras to keep him from doing this again. I will never return.”
- x. **December 2, 2017**: “I used to enjoy this mall and area but I must say things have changed here significantly. It is not the cleanest, the store selection is somewhat limited, and the environment does not appear as safe as it once was. I was out here on Black Friday to shop and there were some things happening that didn’t make me feel very safe. Crime has significantly increased here and in the general area as well. There were a number of police officers and security members but needless to say, I got what I needed and left as soon as possible.”

WITNESS STATEMENTS REGARDING LACK OF SECURITY

44. A current owner-operator of a kiosk in the Columbiana Centre Mall has been working at the mall for about ten years. This witness has observed fights between young people. He described mall security as no different than it was prior to the February 2016, shooting. The witness described efforts to make the mall more secure stopped after the head of security moved away. The witness remembered the former head of security attempting to convince the mall to install surveillance cameras for approximately three years.

45. A frequent patron of Columbiana Centre Mall over the past few years explained that she stopped going to the mall at night, describing the mall as unsafe.

46. The uncle of one of the shooters on April 16, 2022, described recurring problems with young men and drugs and gun violence at the mall, including his nephew. The uncle described Columbiana Centre Mall as “dead.” He explained for that reason, the young men spend time at Columbiana Centre Mall. He further explained that the young men carry their guns and do not care about the security guards or police.

47. A frequent patron of Columbiana Centre Mall recalled growing up in Irmo, South Carolina. She described getting dropped off at Columbiana Centre Mall on the weekends to hangout. This witness explained that now she refuses to let her children go to the mall alone because it is not safe. This witness remembered the February 2016, shooting and described a lack of improvement in security since then. The witness expressed her belief that Columbiana Centre Mall allows loitering, and she does not believe adequate security measures have been implemented to protect her children.

48. A current employee working at a kiosk in Columbiana Centre Mall described the mall security as abysmal and terrible at best. She described security as lacking with guards that

walk around all day looking like they do not want to be there. This witness has observed fights in the mall once every two weeks, people stealing merchandise from stores, men harassing women, and people loitering in the mall which she has reported to security. She recalled a group of young men asking her if she thought one could beat up the other—and they squared off as is they were going to fight. This witness described multiple occasions where guns were brought into the mall: a woman accidentally shot herself rummaging through her bag; and a woman pulling a gun out and handing it to her son. Despite not seeing patrons with guns herself, this witness described hearing young people say things that suggest they are carrying a gun.

49. A seasonal employee who operates a kiosk in Columbiana Centre Mall every holiday season described mall security as “not the greatest” and lacking. The witness explained that there are three or four fights every season she works. The witness explained that no one had spoken to her about mall security, nor had anyone given her a phone number she can call for security. She further explained that it is hard to find a security guard, as she described that she rarely saw security guards patrolling the mall.

50. An employee who has worked at many stores at the Columbiana Centre Mall does not believe the security cameras in the mall are functional. This witness has been unable to get ahold of security in the past. She explained her belief that four security guards are on a shift at a time. Since she has worked at the mall, there have been no “active shooter” drills. Since the April 2022 shooting, there have been no communications from the Columbiana Centre Mall management or security office. The witness does not feel safe working at the mall.

51. A current employee at a store in Columbiana Centre Mall has observed security guards walking around, describing them as nonchalant and seeming as though they did not want to be at the mall.

52. A current employee at a store at the Columbiana Centre Mall described mall security as more formal and professional ten years ago when he started at the mall. Now, this witness described the security guards as failing to serve a function for the mall. Specifically, he has noticed that physical altercations are more likely to occur at certain stores. This witness believes that the security guards are aware of this and are reluctant to physically remove people fighting from the mall. This witness explained his belief that two mall security cameras were broken because the police requested security footage from individual stores instead of getting footage from the mall security office. Despite there being a police station about a half mile from the mall, this witness explained that he does not see police officers patrolling the mall. This witness has also seen repeat offenders of crimes committed in Columbiana Centre Mall come back into the mall.

53. A witness who worked at Columbiana Centre Mall for twenty years explained that during her employment, security changed about every three years. This witness described a time when the mall did not have security cameras but had intentions of putting them in. She explained the room to be used for security camera monitoring was instead used as a storage room. The witness described weekends in the past where the mall had off-duty police officers patrolling the mall, and a police car parked at the entrance to the food court. The witness observed that security guards were not armed with guns.

54. A witness owned a boutique in Columbiana Centre Mall for about a year. She described that while she worked there, she never experienced any security-related drills.

55. A frequent patron at Columbiana Centre Mall explained she never saw a security guard in the seven years she shopped at the mall. This witness described a lack of lighting and her refusal to go to Columbiana Centre Mall at night-time.

56. A current employee of a kiosk located in Columbiana Centre described mall security as continuing to lack over the last few years working in the mall. At the start of her employment, the witness felt there was not much security. The witness felt the security guards failed to serve any function in the mall, and when responding to incidents showed a lack of wanting to get involved, especially when guns are involved. The employee identified recent incidents of violence including repeated physical altercations amongst guests, guest brandishing a firearm, and another patron killing herself with a weapon in just the last few years. The witness explained that mall management did not check on the witness or other workers following the April 16, 2022, shooting.

57. A witness who has been a frequent patron of Columbiana Centre Mall since it opened described the mall as continuing to get less safe over the years. This witness described not feeling safe when she went to the mall by herself. She recalled seeing security vehicles in the parking lot but rarely saw security guards inside the mall.

58. A witness who has been a patron of Columbiana Centre Mall for years described the security guards at the mall as worthless. She observed that the security guards appeared to be too old to handle violent situations. This witness did not see security guards often but observed some security guards driving around the parking lot.

59. A current employee at a store in Columbiana Centre Mall described mall security as “nothing.” This witness recalled seeing guards but stated that they were “lollygagging,” further explaining that it appeared to her that the security guards did not take their job seriously.

INJURIES TO PLAINTIFF ON DAY OF SHOOTING

60. Through the acts and omissions of Defendants, specifically the failure to address known safety risks, Plaintiff was severely injured from the violence created through the acts and omissions of Defendants.

61. At the time of Plaintiff's injuries, Plaintiff was a business invitee present at the Columbiana Centre Mall.

62. As Plaintiff walked through the mall, she heard popping noises, recognizing gun shots, she sought safety behind an "Employees Only" door.

63. While in the Columbiana Centre Mall on April 16, 2022, Plaintiff, an innocent victim, was struck by a bullet to her left ankle.

64. Plaintiff went through extensive medical treatment because of Defendants' acts and omission which caused her injuries on April 16, 2022.

65. After the shootings, there was mass chaos throughout the food court and surrounding areas of the mall.

66. Large crowds of individuals were rushing to the exits of the mall, tables were thrown over, individuals were crying and knocking each other over, and some people were bleeding on the ground.

67. The injuries and surrounding chaos in her immediate vicinity caused severe emotional distress for Plaintiff.

68. Plaintiff continues to suffer mental and emotional distress from the events that day.

FOR A FIRST CAUSE OF ACTION
Negligence/Gross Negligence/Recklessness as to All Defendants

69. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

70. At all times relevant, Defendant Brookfield contracted with Defendant AFS to provide security services for the common areas of Columbiana Centre Mall, including security in the common area where Plaintiff was at the time of the shooting.

71. By virtue of this contractual relationship, Defendant AFS was an agent of Defendant Brookfield, as such, Defendant Brookfield is liable for the acts and omissions of Defendant AFS done within the scope of this agency.

72. On information and belief, on or about April 16, 2022, Defendant AFS failed to perform its duties pursuant to its agreement with Defendant Brookfield.

73. On April 16, 2022, Defendants negligently failed to perform reasonable security of the common areas to include the area where Plaintiff was injured at the time of the shooting.

74. The security role and function undertaken by Defendant AFS included responsibility for protecting the mall's business invitees, such as Plaintiff, from assaults by third persons and the resulting chaos from such an assault.

75. Defendants had actual and constructive notice of a history of criminal activity occurring on or about the premises of Columbiana Centre Mall and in the nearby vicinity. Therefore, the criminal activity referred to was foreseeable to both Defendants because the prevention of such activity through the establishment of a security program was a fundamental part of its responsibility at the mall.

76. Defendants had a reasonable opportunity to prevent or control foreseeable third-party criminal activity likely to endanger the safety of lawful visitors to Columbiana Centre Mall on April 16, 2022, and on those relevant prior dates.

77. Defendants had a duty to reasonably prevent or control foreseeable third-party criminal activity likely to endanger the safety of lawful visitors to Columbiana Centre Mall on

April 16, 2022, and on those relevant prior dates.

78. At all relevant times, Defendants had a duty to exercise reasonable care to discover that criminal activity by third persons, such as that set forth in the “Background Information” section above, was occurring and likely to endanger the safety of lawful visitors to Columbiana Centre Mall, and to exercise care to reasonably prevent or control such criminal activity upon its discovery.

79. Defendants had a duty to exercise reasonable care necessary to protect the tenants and their business invitees at the Columbiana Centre Mall.

80. Defendants breached their duty to Plaintiff by recklessly and/or negligently failing to provide adequate security services to protect Columbiana Centre Mall’s invitees from the dangers created by criminal activity such as the shooting occurring on April 16, 2022, and by failing to have an appropriate response in place to deal with such issues.

81. Defendants breached their duty to Plaintiff by recklessly and/or negligently:

- a. failing to provide adequate security on the premises;
- b. failing to adequately assess the need for security on the premises;
- c. failing to reasonably investigate and or discover the history of criminal activity on the premises;
- d. failing to monitor activity on the premises that was potentially harmful to others;
- e. knowingly subjecting lawful visitors of the premises to an unreasonable risk of serious physical harm;
- f. failing to exercise reasonable care to provide a safe environment for the lawful visitors of the premises;
- g. failing to provide proper and adequate surveillance of the premises;
- h. permitting or otherwise ignoring criminal activity on the premises;

- i. failing to properly train their employees, servants, and agents in recognizing and correcting dangerous conditions and risks to lawful visitors of the premises;
- j. failing to monitor the performance of their security personnel to ensure the safety of lawful visitors on the premises;
- k. failing to monitor the performance of their contractors hired to provide security on the premises;
- l. failing to hire competent security personnel to ensure the safety of lawful visitors on the premises;
- m. failing to implement and follow security measures commensurate with the recommendations of security experts and consultants;
- n. failing to implement and follow security measures requested by its on-site property manager(s);
- o. allowing unaccompanied children, teens, and juveniles on the premises, contrary to the standard of practice and/or standard of care for a commercial shopping mall under the circumstances;
- p. failing to implement and enforce a curfew and/or escort program at the subject premises;
- q. failing to remove delinquent, dangerous, and unauthorized persons from the premises;
- r. failing to have adequate patrols on the premises so as to deter dangerous activity on the premises;
- s. failing to warn lawful visitors of the premises, including Plaintiffs of the risks of criminal activity on the premises;
- t. failing to follow the instructions and/or recommendations of law enforcement;
- u. failing to properly budget or allocate resources so that adequate security measures could be implemented and maintained;
- v. failing to maintain a policy, procedure, or system of investigating reporting, and warning of criminal activity on the premises;
- w. permitting unauthorized and/or underaged persons to come onto the premises with weapons;

- x. failing to restrict access to the premises on April 16, 2022, to only those persons who were lawfully permitted on the premises;
- y. maintaining, inspecting, securing, patrolling, and managing the premises; and
- z. all other acts of negligence as may be shown at the time of trial.

82. As a direct and proximate result of Defendants' failure to provide reasonable security measures, Plaintiff suffered severe physical injuries, severe emotional injuries, physical pain and suffering and other damages.

83. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness, and departure from professional standards of care by Defendants, Plaintiff suffered damages described herein, for which Plaintiff is entitled to recover actual and punitive damages.

84. Defendants had knowledge, both actual and constructive, of the need to properly maintain, secure, inspect, patrol, and manage said premises, but failed to exercise ordinary care.

85. Defendants were negligent in failing to maintain, inspect, secure, patrol, and manage the premises, thereby creating an unreasonable risk of injury to lawful visitors, including Plaintiff.

86. Defendants knew of or, with the exercise of due care for the safety of lawful visitors, should have known of the dangerous and hazardous conditions arising from criminal activity existing on the premises combined with the failure to maintain, inspect, secure, patrol, and manage the premises, and that said conditions were likely to result in serious injuries to lawful visitors, including Plaintiff.

87. Defendants had actual and constructive knowledge of widespread dangerous, reckless, or negligent activity existing on and around the premises prior to the subject incident.

88. Defendants had actual and constructive knowledge of the regular presence of unauthorized individuals and/or unaccompanied children, teens, and juveniles on the premises, and

knew or should have known that this presence created a dangerous environment on the premises.

89. Because Defendants had knowledge of or, in the exercise of reasonable care, should have had knowledge of the dangerous environment of the premises, these Defendants are liable for the negligent supervision, hiring, training, and retention of their employees and for the entrustment of the premises to their partners, agents and employees.

90. Had Defendants exercised reasonable care in preventing or controlling the foreseeable criminal activity of third-parties, injury to Plaintiff likely could have been prevented.

91. The aforementioned negligence detailed in the preceding paragraphs was a proximate cause of the injuries to Plaintiff.

92. Defendants represented to the lawful visitors that the premises were properly maintained and reasonably safe.

93. Each of the foregoing tortious acts and omissions constitute an independent act of negligence on the part of these Defendants and one or more or all of the above stated acts and omissions was a proximate cause of the injuries to Plaintiff.

94. The injuries suffered by Plaintiff were the direct and proximate result of the acts and omissions of these Defendants. But for said acts and omissions, Plaintiff would not have been injured.

DAMAGES

95. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

96. As a direct and proximate result of Defendants' acts and/or omissions described above, Plaintiff suffered actual damages, including, but not limited to, medical expenses and pain and suffering.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- a. Trial by jury;
- b. Actual damages in an amount to be determined by a jury;
- c. Punitive damages in an amount to be determined by a jury; and
- d. Such further relief as this court deems just and proper.

Respectfully submitted,

THE JEFFCOAT FIRM

s/ Reginald C. Hair

Reginald C. Hair (Federal Bar #: 12975)

1333 Main Street; Suite 510

Columbia, SC 29201

O: 803.200.2000

F: 803.808.2240

Reginald. Hair@thejeffcoatfirm.com

ATTORNEY FOR PLAINTIFF

November 10, 2023